UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

<table>
<tr><td>Plaintiff,</td><td>Case No. 11-20540</td></tr>
<tr><td></td><td>Honorable Terrence G. Berg</td></tr>
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v.

D-11 JIGAR PATEL,

Defendant.

_____/

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION FOR
RETURN OF PROPERTY (DKT. 546)

A jury convicted Defendant of healthcare fraud, conspiracy to commit healthcare fraud, and money laundering in violation of 18 U.S.C. §§ 1347, 1349, and § 1956(a)(1)(B)(i). Dkt. 384. Pursuant to Federal Rule of Criminal Procedure 41(g), Defendant requests the return of his passport. Dkt. 546. The United States opposes Defendant's motion. Dkt. 630.

Federal Rule of Criminal Procedure 41(g) allows for a person aggrieved by "the deprivation of property [to] move for the property's return." Fed. R. Crim. P. 41(g).

The United States indicates that Immigration and Customs Enforcement will make a determination of deportability around the time of Defendant's release date, and that some foreign countries will not issue a new travel document without an original proof of foreign citizenship. Dkt. 630, Pg. IDs 8039-40. If the government determines that Defendant is subject to deportation, it might need his passport to carry out that process. The Court concludes that Defendant is not yet entitled to his passport. *See United States v. Vysniauskas*, 2016 U.S. Dist. LEXIS 14806, at *6 (E.D.

Mich. Feb. 8, 2016) (denying a defendant's Rule 41(g) motion when his passport would

be needed for deportation); *United States v. Ezeli*, 2014 U.S. Dist. LEXIS 87438, at *3

(E.D. Mich. June 27, 2014) (same).

Defendant's motion is therefore **DENIED WITHOUT PREJUDICE.** If the

government decides that Defendant is not subject to deportation but does not return

his passport after the decision, Defendant may refile his motion.

SO ORDERED.

Dated: November 4, 2016   s/Terrence G. Berg
                                                     TERRENCE G. BERG
                                                     UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on November 4, 2016, using the CM/ECF system, which will send notification to all parties.

                                                     s/A. Chubb
                                                     Case Manager

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